

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOHN R. LANKFORD,

Plaintiff,

DECISION AND ORDER

07-CR-6264L

v.

CSX TRANSPORTATION, INC., et al.,

Defendants.

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The supervision of discovery and motions related to it have been referred to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. 636(b). Magistrate Judge Payson issued an oral Report and Recommendation on November 13, 2008 recommending that defendants' motion to dismiss (Dkt. #57) be denied.

The oral argument before Magistrate Judge Payson and her ruling were recorded and those have been made available to this Court. No objections have been filed to Magistrate Judge Payson's Report and Recommendation and the time within which to do so has expired.

Therefore, I accept and adopt the oral recommendation of United States Magistrate Judge Marian W. Payson, and I deny defendants' motion to dismiss (Dkt. #57).

IT IS SO ORDERED.



DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York  
December 12, 2008.